

REMARKS

Entry of the foregoing and further and favorable reconsideration of the instant application in view of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.114, are respectfully requested.

Status

Claims 50-74, 80, 81, and 83-86 are pending. *See Office Action mailed June 19, 2006, Office Action Summary, Item 4.* Claims 75-79, 82, and 87 have been withdrawn from consideration. *Id. at Item 4a.* Claims 50-74, 80, 81, and 83-86 stand rejected. *Id. at Item 6.* The drawings filed on February 7, 2002 have been accepted by the Examiner. *Id. at Item 10.*

Summary of Claim Amendments

By the foregoing claim amendments, Applicants have amended subsection (c) of Claims 80 and 81 to recite "a means for conducting the acellular component or fraction of the acellular component to the means for providing the *binding partner* to produce an altered acellular component or fraction of the acellular component." Support for this amendment may be found throughout the Specification, and at least at original Claim 42. Accordingly, no new matter has been added.

Further by the foregoing claim amendments, Applicants have amended Claim 81 to specify that in subsection (a), the acellular component or the fraction of the acellular component contains a targeted immune system *inhibitor*. Support for this amendment may be found throughout the Specification, and at least at original Claim 42. Accordingly, no new matter has been added.

Rejections Under 35 U.S.C. § 112, Second Paragraph – Indefiniteness

Claims 80 and 81 were rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “the means for providing the targeted immune system inhibitor” in clause (c). *Office Action mailed June 19, 2006, Pages 2-3.* These rejections are respectfully traversed.

Not to acquiesce in the Examiner's rejections, but solely to facilitate prosecution, Applicants have amended Claims 80 and 81 such that subsection (c) recites “a means for conducting the acellular component or fraction of the acellular component to the means for providing the binding partner to produce an altered acellular component or fraction of the acellular component.”

Applicants believe these amendments have rendered moot the indefiniteness rejections of Claims 80 and 81 under 35 U.S.C. § 112, Second Paragraph, and respectfully request withdrawal thereof.

Rejections Under 35 U.S.C. § 102(e) – U.S.P.N. 6,620,382 In Light Of Ebach

Claims 50, 51, 60, 61, and 69-74 were rejected under 35 U.S.C. § 102(e) as purportedly anticipated by U.S. Patent No. 6,620,382 to Lentz (“Lentz”) in light of D. R. Ebach *et al.*, “*Opposing Effects of Tumor Necrosis Factor Receptor 1 and 2 In Sepsis Due To Cecal Ligation and Puncture*,” 23(4) *SHOCK* 311-318 (2005) (“Ebach”). *See Office Action mailed June 19, 2006, Office Action Summary, Pages 3-5.* These rejections are respectfully traversed.

Applicants respectfully request clarification regarding these rejections because Ebach's publication date in 2005 roughly three years *after* Applicants' filing date for the instant application.

Rejections Under 35 U.S.C. § 103(a) – U.S.P.N. 6,620,382 In Light Of Ebach and Greenblatt

Claims 62-65 were rejected under 35 U.S.C. § 103(a) as purportedly obvious due to Lentz in light of Ebach and in view of M. S. Greenblatt & Laurence Elias, "*The Type B Receptor for Tumor Necrosis Factor- α Mediates DNA Fragmentation in HL-60 and U937 Cells and Differentiation in HL-60 Cells*," 80(5) BLOOD 1339-1346 (1992) ("Greenblatt"). See Office Action mailed June 19, 2006, Office Action Summary, Pages 6-7. These rejections are respectfully traversed.

Applicants respectfully request clarification regarding these rejections as well, because, as explained above, Ebach was published roughly three years *after* Applicants' application was filed. Accordingly, Applicants believe it may not serve as a foundation for obviousness rejections of Claims 62-65.

Rejections Under 35 U.S.C. § 103(a) – U.S.P.N. 6,620,382 In Light Of Ebach and Yelavarthi

Claims 66-68 were rejected under 35 U.S.C. § 103(a) as purportedly obvious due to Lentz in light of Ebach and in view of Krishna K. Yelavarthi & Joan S. Hunt, "*Analysis of p60 and p80 Tumor Necrosis Factor- α Receptor Messenger RNA and Protein in Human Placentas*," 143(4) AMERICAN JOURNAL OF PATHOLOGY 1131-1141 (1993) ("Yelavarthi"). See Office Action mailed June 19, 2006, Office Action Summary, Pages 7-8. These rejections are respectfully traversed.

Once again, Applicants respectfully request clarification regarding these rejections because Ebach, at the foundation of these rejections, was published roughly three years *after* Applicants' application was filed. Accordingly, Applicants

believe Ebach may not serve as the basis for an obviousness rejection of Claims 66-68.

Rejections Under 35 U.S.C. § 103(a) – U.S.P.N. 6,620,382 In Light Of Ebach and Prusiner

Claims 52-59 were rejected under 35 U.S.C. § 103(a) as purportedly obvious due to Lentz in light of Ebach and in view of U.S. Patent No. 6,221,614 to Prusiner *et al.* ("Prusiner"). *See Office Action mailed June 19, 2006, Office Action Summary, Pages 8-10.* These rejections are respectfully traversed.

As indicated several times above, Applicants respectfully request clarification of this rejection because Ebach, at the core of the rejections, was published roughly three years *after* Applicants' application was filed.

Rejections Under 35 U.S.C. § 103(a) – U.S.P.N. 6,620,382 In Light Of Ebach and Imaizumi

Claims 80, 81, and 83-86 were rejected under 35 U.S.C. § 103(a) as purportedly obvious due to Lentz in light of Ebach and in view of British Patent No. 1 562 546 to Imaizumi *et al.* ("Imaizumi"). *See Office Action mailed June 19, 2006, Office Action Summary, Pages 10-11.* These rejections are respectfully traversed.

As indicated several times above, Applicants respectfully request clarification of this rejection because Ebach, at the core of the rejections, was published roughly three years *after* Applicants' application was filed.

CONCLUSION

In view of the foregoing, and especially in view of the inapplicability of Ebach in rejecting Applicants' claims, it is believed that the claims are in condition for allowance, and a Notice of Allowance is respectfully requested.


In the event that there are any questions relating to this Amendment and Reply to Accompany Request for Continued Examination Pursuant to 37 C.F.R. § 1.114, or to the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (202) 373-6000 so that prosecution of the application may be expedited.

The undersigned hereby authorizes the Patent Office to charge any necessary fees, which may be required by the filing of this paper, or credit any overpayment to Deposit Account No. 50-4047.

Respectfully submitted,
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